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MT LEGISLATIVE HISTORY

Chapter 661 1985

Bill H 709 S _____ Original bill & hist. ___C

H. Committee on Business & Labor			S. Committee on Business & Industry		
Hearing Date(s)	Feb 13	✓ C	Hearing Date(s)	Mar 18	✓ C
	Feb 14	✓ C		Mar 19	✓ C
	Feb 20	✓ C		Mar 22	✓ C
	_____	___C		Mar 25	✓ C
Date Out	Feb 20	✓ C		Mar 25	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS

STATUS SHEET

49TH LEGISLATIVE SESSION

COMMITTEE ON BUSINESS AND LABOR

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
618	2-1	2-13	2-13	2-13					
634	2-2	2-18/2-19	2-19	2-19					
639	2-2	2-8	2-8			2-8			
640	2-2								
646	2-2			REREFERRED TO HUMAN SERVICES					
648	2-2	2-7	2-7	2-7					
649	2-4	2-19/2-23	2-23			2-23	(SUBCOMMITTEE)		
657	2-4	2-20/2-21		TABLED					
658	2-4	2-13	2-13	2-13					
662	2-4	2-13	2-13			2-13			
666	2-4	2-20/2-21		TABLED					
668	2-5	2-15/2-18 2-19		TABLED					
691	2-6	2-15/2-18	2-18		2-18				
694	2-6	2-18/2-19	2-19	2-19					
707	2-7	2-13/2-14 2-20	2-20			2-20			
718	2-8	2-12/2-13	2-13			2-13			

In questions from committee, Rep. Simon asked Mrs. Bennett if the measure would give the auditor's office a license to increase its staff, since more funding would be under the control of that office. Mrs. Bennett said the only difference would be where a dollar amount was placed on a budget line, and that no staff change would result from passage of HB 759.

The committee closed discussion on HB 759.

HOUSE BILL 707: Rep. Loren Jenkins, District 13, introduced HB 707, which he sponsored. He also presented a proposed amendment to the bill. He explained that he introduced the legislation at the request of the state's rural water users, who felt burdened by state restrictions on plumbing practices.

Ray Wadsworth, program manager of Montana Rural Water Systems, Inc., testified in support of HB 707. A copy of his testimony is attached hereto as Exhibit 1.

Bill Olsen, secretary/manager of the Montana Contractors' Association, also spoke in support of HB 707. He said the impact of having to rely on licensed plumbers is difficult for rural people to bear, and is not cost-effective.

There being no further proponents, David Emerson, a member of Plumber and Pipefitters Union Local 139 in Great Falls rose in opposition to HB 707. A copy of his statement is attached hereto as Exhibit 2.

Monty F. Patterson, a member of the State Board of Plumbers, spoke against HB 707. He said that the Board has proposed alternative legislation that would come before the committee soon, and urged that no action be taken until that bill is introduced in committee. He said that relaxing the regulation of plumbing procedures would jeopardize the health and safety of both rural and urban Montanans. He stated that HB 707 is contrary to the language and intent of the Uniform Plumbing Code of Montana. He recommended that the committee postpone action, or act on a Do Not Pass Motion.

There being no further opponents nor proponents, the floor was opened to questions from committee.

Rep. Kadas asked Mr. Wadsworth if the "plumbers' bill" he referred to was the same mentioned by Mr. Patterson, and was informed that it was the same legislation.

Rep. Jenkins closed by saying that HB 707 was drafted with the intention of protecting both plumbers and the rural public.

Hearing on HB 707 was closed.

HOUSE BILL 662: Rep. Kerry Keyser, District 74, introduced this measure, which he sponsored. He said that HB 662 is basically a clarification of the Securities Act, defining when a securities transaction takes place in Montana, and when the Montana securities department has jurisdiction over such a transaction.

Kim Schulke, staff attorney for the securities department of the state auditor's office, spoke in support of the legislation. A copy of her testimony is attached hereto as Exhibit 3.

There were no further proponents, and no opponents. Rep. Keyser waived a closing statement. There were no questions from committee.

HOUSE BILL 618: Rep. Jack Sands, District 90, introduced HB 618, which he sponsored. He said that he was not requested to introduce the measure, but did so because he thought it was a good idea to change the legal interest rate from 6% to 10%, which would more accurately reflect "economic reality." He explained that the interest rate wold apply when interest on an obligation is not specifically expressed in the terms of that obligation.

There were no further proponents nor opponents. Rep. Driscoll asked Rep. Sands for an example of when the proposed interest rate would apply. Rep. Sands said an example would be when an award, with interest, is granted as a result of a lawsuit. He further explained that although 10% was not a figure he would refuse to change, he did not want the committee to recommend a sliding interest rate because that would invite continuing lawsuits to determine interest.

Hearing was closed on HB 618.

HOUSE BILL 658: House Bill 658 was introduced in committee by sponsor Jack Ramirez, District 87. He explained that the same legislation was on the books in 1977, and was extended for two years in 1979. The purpose of HB 658, he explained, is to allow health care providers to get liability insurance if insurance companies in the state quit writing policies. He said that HB 658 would be temporary and self-sustaining, with fees generated covering the costs.

is received and the policy is paid. A copy of his testimony is attached hereto as Exhibit 5.

There being no further opponents, Rep. Schultz closed. He said he has no vested interest in the issue, but feels that the state should consider and adopt a uniform standard for insurance companies to follow in cancelling policies.

Hearing was closed on HB 567, and the committee went into executive session to act on bills heard.

EXECUTIVE SESSION

HOUSE BILL 85: Rep. Thomas moved DO PASS on HB 85. The motion carried, with Reps. Pavlovich, Hart and Nesbit voting no.

HOUSE BILL 606: Rep. Wallin moved DO PASS on HB 606, which carried unanimously.

HOUSE BILL 618: Rep. Brandewie moved DO PASS on HB 618, which carried unanimously.

HOUSE BILL 658: Rep. Kitselman moved DO PASS on HB 658, which carried unanimously.

HOUSE BILL 662: Rep. Kitselman moved DO PASS on the proposed amendments to HB 662, which carried unanimously. He then moved DO PASS on HB 662 as amended, which also carried unanimously.

HOUSE BILL 707: The committee agreed to hold HB 707 until it received the anticipated "plumbers' bill."

HOUSE BILL 759: Rep. Thomas moved DO PASS on HB 759, which passed unanimously.

HOUSE BILL 718: Rep. Kitselman made a MOTION TO RECONSIDER the committee's earlier action on HB 718. That motion was carried 11-9 on a roll call vote. (See attached record.) Rep. Kitselman then proposed a DO PASS motion on the amendments proposed for HB 718 by the Dept. of Administration. The motion on amendments was approved in a voice vote, with Reps. Bachini, Driscoll, Nisbet and Pavlovich opposed.

Rep. Kadas moved to amend HB 718 by striking the new language that had been inserted on page 3, lines 8-11. That motion carried unanimously.

DAILY ROLL CALL

BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/13/85

NAME Bob Pavlovich	PRESENT	ABSENT	EXCUSED
Les Kitselman	X		
Bob Bachini	X		
Ray Brandewie	X		
Jan Brown	X		
Jerry Driscoll	X		
Robert Ellerd	X		
William Glaser	X		
Stella Jean Hansen	X		
Marjorie Hart	X		
Ramona Howe	X		
Tom Jones	X		
Mike Kadas	X		
Vernon Keller	X		
Lloyd McCormich	X		
Jerry Nisbet	X		
James Schultz	X		
Bruce Simon	X		
Fred Thomas	X		
Norm Wallin	X		

CS-30

Exhibit 1
2/13/85

MONTANA RURAL WATER SYSTEMS, INC.

1824 10th Ave. So., Suite 4B
Great Falls, MT 59405
Phone 454-1151

AN KEIL, President
DAVE JONES, Vice President
GEORGE WELLOCK, Secretary Treasurer

RON SMITH, Executive Secretary
RAY WADSWORTH, Program Manager

February 12, 1985

TESTIMONY IN SUPPORT OF CHANGES IN THE PLUMBING LAWS
BY LEGISLATIVE COMMITTEE OF MRWS

In the late spring of 1983, the State Plumbing Board sent a letter to several water systems stating that a licensed plumber was required to remove and replace meters. This created a hardship on some rural developments far remote from a licensed plumber. Costs as high as over $200.00 to make a 5 minute meter installation were reported. These systems are required to meter in order to satisfy requirements for FmHA loans.

When MRWS was called in and we began to look more closely at the plumbing laws, we discovered some conflicts with the Federal Safe Drinking Water Act of 1974. This Act makes the purveyor of water responsible and liable for their water from the point of source to the point of use. Administrators of water systems under this act can be sued.

A committee was formed to go through the states plumbing laws to attempt to clarify some definitions and terms and to eliminate items that conflicted with Federal Law. This bill is meant to amend the plumbing laws to clarify them, to make them conform to the Federal SDWA, and to allow the administrators of water systems in the rural settings to utlize trained personnel to take care of installation and maintenance where plumbers are not available.

The requirement of a licensed plumber to put in service connections from mains to the home in rural areas creates an unnecessary expense, especially when these service lines reach the magnitude of a mile or more.

The bill will also provide for allowing administrators of water systems to choose the qualified individual of their choice to install and maintain their own meters which is their sole source of revenue.

2/13/85

NAME DAVID M. EMERSON HOUSE BILL NO. 707

59404

ADDRESS 317 22ND AVENUE N. W., GREAT FALLS, MONTANA DATE 2-13-85

WHOM DO YOU REPRESENT PLUMBER AND PIPEFITTER LOCAL 139-GREAT FALLS

SUPPORT _____ OPPOSE XXXXXXX AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I strongly oppose House Bill 707 on the following grounds:

Under Section 1 Paragraph (7) on page 2 of the Bill I want to call your attention to what the proponents are asking you to approve.

As it now stands Qualified Licenesed Plumbers who install Plumbing Systems, extend the water service line into the building at least from the Property Line to a valve inside of the building, and in Many Cities the Service Line is installed by these Qualified Plumbers from the Water Main in the Street to the Valve inside of the building or residence. This water service line is strictly the property of the owner of the property and the owner must maintain this line and repair it if it leaks or needs to be replaced. A community water system, or city or town water syste will take no responsibility toward the repair of this private line.

Now in this bill the proponents are asking that the Qualified licensed Plumbers stop their water line 2' outside of the building or residence, and that other often unskilled people continue the water line from that point to the point of tie in on the city or community water main.

This really presents a problem to the unsuspecting Home Owner or Building Owner, and also could lead to disaster to the building. At the point 2' outside of the building there would have to be a joint made in this water service line, and at this point so close to the building there is much stress and strain, such as the building settling or the dirt pulling on the line as it settles back in the ditch and etc. Right now the line is made of uninterrupted coils of copper tubing or plastic in some cases where allowed, and there is no pipe joint by the footings of the structure. The chance for a leak at this point is great, and many times before the owner would become aware of a leak the chance for damage would be tremendous. A leak such as this could undermine the footings or foundation, cause pressure on the basement wall and do all kinds of damage to the building or home. I have seen some of these lines, that were installed by Unqualified people that have had a very bad leak within three to six months after installation

Why should you as a House committee be asked to subject unwary owners to this extra hazard? A normal 3/4" or 1" water service takes approximately 1 hour to be installed properly by Qualified licensed Plumbers, certainly expense to install isn't the reason. Why not give the owner of the Building the satisfaction of being assured of a good, long lasting job, and help protect the Public Health in doing so by leaving the language in the present law as is.

In Section 2 Paragraph (c) under Exceptions: I believe the change that exempts farms or ranches not connected to public water supply and sewage Disposal Systems is O.K. although the present Language covers it pretty thouroughly as it is now written.

(Over)

The Section 2 (d) that has been changed to (c) should remain as is. It appears that the intent of the change is to allow water districts, and water line User Associations to extend their own water and sewer mains. Potable water is a precious Commodity and when improperly installed could result in possible cross connections between sewer and water mains occuring, and the char to affect the health of many People depending on using a Community water and Sewe System. There are many rules and regulations reguarding the proper installation of these systems, and they need to be installed by Qualified Licensed Plumbers.

Since the property owner has to take care of the water service from his building to the water main, with the revisions of Section 2 and also Section 1 he would have th possibility of unskilled workers installing this line as an extension of the water main. If this line breaks or needs to be repaired it is the Property owners responsibility to pay for the repairs, therefore the owner should have the right to have skilled craftsmen install hs water service as it is now, from his building to the Water Main without any unnecessary pipe joints, and with proper permits, inspections, and assurance of a long life for this water service.

Section 3 Should be left as is- The board should have the power to designate possible substitutes for licensed Plumbers, after an investigation by them. To turn this task over to each individual community would lend to the possibility of unsafe, health hazards to unsuspecting citizens of that community. Right now the Board goes thru a thourough inspection of the possible candidates for this type of work and couuld get the best possible person to fill the temporary position. This item was brought up to make it possible for any city or town to designate a temporary man for a plumber in the community without any language added to the bill to assure that a properly qualified man was selected.

With this selection procedure left to these cities and twons, with no guidelines or restrictions, possible poor judgement on the part of these communities could result in picking the wrong man. There is much knowledge needed to pick the proper man the important task of being called a plumber in a situation like this. I would be remiss in not calling to your attention that many of the health problems related to plumbing could occur because of unskilled people doing plumbing work in a community where no Qualified Licensed Plumbers are available. If the board had an imput they may be able to find a Qualified Licensed Plumber who would take the job.

I also take exeeption to the New Section Called Section 4-Extension of Authority. Every board needs to have the flexibility to make such rules as are deemed neccessary. If a health hazard shows up, the Plumbing Board needs the Power to make such rules as are needed to protect the public immediately, and not wait until some one gets ill or dies from an unsafe condition. Many times they cannot wait until the next Legislature to take care of these problems, because of the Public Health involved.

Please heed the opponents of this Bill 707, recommend a <u>DO NOT PASS</u> when you vote. The vote will be for the uninformed citizens of Montana, your family, your friends and for yourself. The People of Montana should not be deprived of their rightful Heritage to get a good, safe, sanitary Plumbing system, including the Water Service, installed in their homes or business buildings without the fear of contamination, unnecessary leaks or other problems that are now minimal because of present checks and balances, permits and inspections. Please help the Plumbing Board protect the Public Health, Please DO NOT PASS this House Bill 707.

Respectfully Submitted

David Emerson

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. House Bill 707 DATE February 13, 1985

SPONSOR Representative Jenkins

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Monty F. Patterson	1202 Bench Blvd, Billings		X
David M. Emerson	317 22nd Ave N.W. G.F. Falls		X
Ray Wadsworth	1824-10th Ave So	X	
Gerald Smith	Galata Water Dist	X	
William Olson	Helena, Mt.	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Representative Schultz asked Mr. Stockton what percentage the summer volume exceeds the winter volume. Mr. Stockton stated that it is between 50%and 100%

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on House Bill 598 was closed.

ACTION ON HOUSE BILL 707: Representative Driscoll explained that a similar bill, covering the concerns will not be introduced and therefore, will be amended into House Bill 707. The amendments are being prepared and should be ready for action on Wednesday.

ACTION ON HOUSE BILL 474: The statement of intent that is attached hereto as Exhibit 7, was moved by Representative Thomas. The motion PASSED unanimously. The statement of intent was not adopted on February 13, 1985 when the bill was passed.

ACTION ON HOUSE BILL 559: Representative Kitselman moved that HOUSE BILL 559 BE TABLED, second was received and the motion CARRIED unanimously.

ACTION ON HOUSE BILL 592: Representative Simon made a motion that House Bill 592 BE TABLED. The motion CARRIED with all but Representatives Ellerd, Hansen, and Kadas voting yes.

ACTION ON HOUSE BILL 599: Representative Brandewie made a motion that House Bill 599 DO PASS. Representative Driscoll stated that it is against the constitution to work overtime. Second was received and House Bill 599 PASSED with all but Representative McCormick voting yes.

ACTION ON HOUSE BILL 583: Representative Wallin moved DO PASS on House Bill 583. Representative McCormick offered a substitute motion that House Bill 583 DO NOT PASS. A roll call vote resulted in 11 members voting yes and 9 members voting no. Substitute motion that House Bill 583 DO NOT PASS carried.

ACTION ON HOUSE BILL 598: Representative Kadas moved DO PASS on House Bill 598. Representative Kadas then moved the proposed amendments to the bill, which PASSED by a unanimous vote. Representative Schultz moved House Bill 598 DO PASS AS AMENDED, which received a unanimous vote.

ACTION ON HOUSE BILL 554: Representative Thomas made a motion that House Bill 554 DO PASS. Representative Thomas then withdrew his motion.

DAILY ROLL CALL

BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 14, 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormich	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

did agree. Representative Glaser made a motion to all motions pending that House Bill 562 be TABLED. A roll call vote resulted in 13 members voting yes and 7 members voting no. House Bill 562 is TABLED.

ACTION ON HOUSE BILL 563: Representative Jones moved DO PASS on House Bill 563 and then moved the Statement of Intent. Representative Kadas asked if you can only teach manicuring if you also teach cosmetology. Darlene Battiaola of Butte, explained that a cosmetologist license is required to teach or practice manicuring. Representative Brown asked if this bill was thrown together with little thought. Ms. Battiaola stated that the bill was well thought out. Question being called, the Statement of Intent PASSED by a unanimous vote. House Bill 563 DO PASS With Statement of Intent unanimously.

ACTION ON HOUSE BILL 420: Representative Kadas moved DO PASS on House Bill 420 and then moved to amend, striking subsection 3 on page 2, line 22 through page 3, line 8. The amendment PASSED unanimously. Representative Glaser moved to amend on page 3, lines 9 and 10, changing civil aeronautics authority to federal aviation administration. The amendment PASSED unanimously. House Bill ~~383~~ 420 PASSED AS AMENDED by a unanimous vote.

ACTION ON HOUSE BILL 707: Representative Thomas moved DO PASS on House Bill 707 and moved the amendments attached hereto as Exhibit 1. The amendments DO PASS by a unanimous vote. Representative Glaser stated this bill has great merit. Representative Thomas suggested a grey copy of the bill may be appropriate. Question being called, House Bill 707 PASSED AS AMENDED unanimously.

ACTION ON HOUSE BILL 273: Representative Brandewie moved that House Bill 273 be taken from the TABLE. A voice vote defeated the motion.

HOUSE BILL 819: Hearing commenced on House Bill 819. Representative Kurt Krueger, District #69, sponsor of the bill, stated this extends the agricultural lien law to apply to agricultural chemicals or petroleum products.

Proponent John Scully, representing the Petroleum Market Association, explained that the petroleum distributors want to be in first position. A financial institution to be first, must show they gave information to the supplier and then denied credit, added Mr. Scully.

DAILY ROLL CALL

BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 20 1985

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser	✓		
Stella Jean Hansen	✓		
Marjorie Hart	✓		
Ramona Howe	✓		
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormich	✓		
Jerry Nisbet	✓		
James Schultz	✓		
Bruce Simon	✓		
Fred Thomas	✓		
Norm Wallin	✓		

February 19 19 85

MR. SPEAKER:

We, your committee on BUSINESS AND LABOR

having had under consideration HOUSE Bill No. 707

FIRST WHITE
reading copy (color)

UNION PUMPING LAW EXEMPTION

Respectfully report as follows: That HOUSE Bill No. 707

BE AMENDED AS FOLLOWS:

1. Title, line 6.
Following: "REPEALING"
Insert: "AND PROVIDING"

2. Title, line 8.
Following: "EMERGENCIES"
Insert: "PROVIDING FOR RECIPROCAL LICENSING OF PLUMBERS LICENSED BY OTHER STATES; REVISING THE LICENSE DISCIPLINE LAW; PROVIDING THAT A VIOLATION OF PROVISIONS OF TITLE 37, CHAPTER 69, IS A MISDEMEANOR;"

3. Title, line 9.
Following: "37-69-102,"
Strike: "AND"
Following: "37-69-311,"
Insert: "AND 37-69-324,"

DO PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

February 20 19 85

4. Page 2, line 10.
Following: "(7)"
Insert: "(a)"
Strike: "Plumbing"
Insert: "Except as provided in subsection (b), 'plumbing'"

5. Page 2, line 14.
Following: "appurtenances"
Strike: the remainder of line 14, line 15 in its entirety, and line 16 through "line"
Insert: "within the property lines of any premises"

6. Page 2, line 17.
Strike: "building"
Insert: "premises"

7. Page 2.
Following: line 17
Insert: "(b) As defined in subsection (a), 'plumbing system' does not include water services installed and maintained by water districts or water users' associations in which water service is installed by any qualified person appointed or hired by the administrative authority of the water system."

8. Page 3, line 11.
Following: "railroads"
Strike: ","
Insert: ";"

9. Page 3, line 12.
Following: "farms"
Insert: "(c) Is a"
Renumber: subsequent subsections

10. Page 3, line 15.
Following: "is"
Strike: "for"
Insert: "to"

11. Page 3, line 22.
Following: "dealer"
Insert: "; and
(d) installation of a water meter by a qualified person appointed by the administrative authority of the water system"

12. Page 4, line 1.
Following: "farm"
Insert: "or to sheds"

Committee

Chairman

13. Page 4, line 17.
Following: "reasonably"
Insert: "reasonably"

14. Page 4, line 19.
Following: "reasonable"
Insert: "reasonable"
Following: "notice"
Insert: "by certified letter"

15. Page 4, line 20.
Following: "approval."
Insert: "and upon their approval, or after 30 days from the date of the postmark of the certified letter if the board fails to respond to the certified letter,"

16. Page 4, line 23.
Following: "reasonably"
Insert: "reasonably"
Following: "available"
Insert: "or until the board of plumbers withdraws its authorization"

17. Page 5, following line 2.
Insert: "NEW SECTION. Section 5. Plumbers licensed by other states -- reciprocity. To the extent that other states that provide for the licensing of plumbers provide for similar action, the board may grant licenses to plumbers licensed by other states on payment by the applicant of the required fee and on furnishing proof to the board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this section are not required to take a written examination. The board has authority to adopt rules necessary to implement this action.

NEW SECTION. Section 6. License discipline. (1) The board may revoke, suspend, restrict, censure, or apply any other disciplinary treatment contemplated by section 37-1-136, MCA, to any occupational license under this chapter for any one or more of the following causes:

(a) performance of plumbing work in the field of plumbing that is below the standards established by the Uniform Plumbing Code;

(b) inadequate supervision that causes or allows plumbing work in the field of plumbing that is below the standards established by the Uniform Plumbing Code;

(c) material lapses in procuring, attempting to procure, or aiding and abetting the procurement of, an occupational license to practice in the field of plumbing;

(d) unfitness to provide services in the field of plumbing by reason of negligence, habit, intemperance, or addiction to the use of habit-forming drugs;

(continued)

Chairman.

STATE PUB. CO.
Helena, Mont.

February 20 19 35

(e) physical or mental incompetence which impairs the licensee's ability to deliver adequate service in the field of plumbing;

(f) willful or repeated violation of this chapter or rules adopted hereunder or willful or repeated violation of Title 50, chapter 60, part 5 of the Montana Code Annotated or rules adopted thereunder; or

(g) unprofessional practice related conduct as defined by rules adopted by the board.

(2) Any licensee disciplinary action under the jurisdiction of the board shall be conducted as a contested case under the provisions of the Montana Administrative Procedure Act.

Section 7. Section 37-69-324, MCA, is amended to read:

"37-69-324. Penalty. A person who works at the field of plumbing or maintains or conducts a plumbing business or an individual who connects or disconnects plumbing from a public water or sewer system in violation of any provisions of this chapter or at a time when he is not exempt from the provisions of this chapter pursuant to the provisions of a duly enacted and subsisting ordinance of a city or town is guilty of a misdemeanor and, upon conviction thereof in any court of competent jurisdiction, ~~shall be punished by a fine of not less than $10 and not more than $500 for each separate offense~~ is guilty of a misdemeanor. However, this chapter shall may not be construed to apply to or affect plumbing or pipefitting as indicated in the 37-69-102 exceptions."

NEW SECTION. Section 8. Repealer. Section 37-69-321, MCA, is repealed.

NEW SECTION. Section 9. Codification instruction. Sections 5 and 6 are intended to be codified as an integral part of Title 37, chapter 69, part 3, and the provisions of Title 37, chapter 69, apply to sections 5 and 6."

AND AS AMENDED, DO PASS

AMENDMENTS HB 707, INTRODUCED BILL

1. Title, line 6.
Following: "REVISING"
Insert: "AND PROVIDING"

2. Title, line 8.
Following: "UNAVAILABLE"
Insert: "PROVIDING FOR RECIPROCAL LICENSING OF PLUMBERS LICENSED IN OTHER STATES; REVISING THE LICENSE DISCIPLINE LAW; PROVIDING THAT A VIOLATION OF PROVISIONS OF TITLE 37, CHAPTER 69, IS A MISDEMEANOR;

3. Title, line 9.
Following: "37-69-102,"
Strike: "AND"
Following: "37-69-301,"
Insert: "AND 37-69-324,"

4. Page 2, line 10.
Following: "(7)"
Insert: "(a)"
Strike: "Plumbing"
Insert: "Except as provided in subsection (b), "plumbing"

5. Page 2, line 14.
Following: "appurtenances"
Strike: the remainder of line 14, line 15 in its entirety, and line 16 through "line"
Insert: "within the property lines of any premises"

6. Page 2, line 17.
Strike: "building"
Insert: "premises"

7. Page 2, line 18.
Following: line 17
Insert: "(b) As defined in subsection (a), "plumbing system" does not include water services installed and maintained by water districts or water users' associations in which water service is installed by any qualified person appointed or hired by the administrative authority of the water system."

8. Page 3, line 11.
Following: "railroad,"
Strike: ","
Insert: ";"

9. Page 3, line 12.
Following: "~~farms~~"
Insert: "(c) In a"
Renumber: subsequent subsections

10. Page 3, line 15.

Following: "~~in~~"
Strike: "for"
Insert: "in"

11. Page 3, line 22.
Following: "dealer"
Insert: "; and
(g) installation of a water meter by ~~a licensed plumber or~~ a qualified person appointed by the administrative authority of the water system"

12. Page 4, line 1.
Following: "farms"
Insert: "or ranches"

13. Page 4, line 17.
Following: "~~reasonably~~"
Insert: "reasonably"

14. Page 4, line 19.
Following: "~~reasonable~~"
Insert: "reasonable"
Following: "notice"
Insert: "by certified letter"

15. Page 4, line 20.
Following: "~~approval,~~"
Insert: "and upon their approval, or after 30 days from the date of the postmark of the certified letter if the board fails to respond to the certified letter,"

16. Page 4, line 23.
Following: "~~reasonably~~"
Insert: "reasonably"
Following: "available"
Insert: "or until the board of plumbers withdraws its authorization"

17. Page 5, following line 2.
Insert: "NEW SECTION. Section 5. Plumbers licensed by other states -- reciprocity. To the extent that other states that provide for the licensing of plumbers provide for similar action, the board may grant licenses to plumbers licensed by other states on payment by the applicant of the required fee and on furnishing proof to the board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this section are not required to take a written examination. The board has authority to adopt rules necessary to implement this action.

NEW SECTION. Section 6. License discipline. (1) the board may revoke, suspend, restrict, censure, or apply any other disciplinary treatment contemplated by section 37-1-136, MCA, to any occupational licensee under this chapter for any one or more of the following causes:

(a) performance of plumbing work in the field of plumbing that is below the standards established by the Uniform Plumbing Code;

(b) inadequate supervision that causes or allows plumbing work in the field of plumbing that is below the standards established by the Uniform Plumbing Code;

(c) material deceit in procuring, attempting to procure, or aiding and abetting the procurement of, an occupational license to practice in the field of plumbing;

(d) unfitness to provide services in the field of plumbing by reason of negligence, habit, intemperance, or addiction to the use of habit-forming drugs;

(e) physical or mental incompetence which impairs the licensee's ability to deliver adequate service in the field of plumbing;

(f) willful or repeated violation of this chapter or rules adopted hereunder or willful or repeated violation of Title 50, chapter 60, part 5 of the Montana Code Annotated or rules adopted thereunder; or

(g) unprofessional practice related conduct as defined by rules adopted by the board.

(2) Any licensee disciplinary action under the jurisdiction of the board shall be conducted as a contested case under the provisions of the Montana Administrative Procedure Act.

Section 7. Section 37-69-324, MCA, is amended to read:

"37-69-324. Penalty. A person who works at the field of plumbing or maintains or conducts a plumbing business or an individual who connects or disconnects plumbing from a public water or sewer system in violation of any provisions of this chapter or at a time when he is not exempt from the provisions of this chapter pursuant to the provisions of a duly enacted and subsisting ordinance of a city or town is guilty of a misdemeanor and, upon conviction thereof in any court of competent jurisdiction, ~~shall--be punished--by--a--fine--of--not--less--than--$10-and-not-more-than-$100 for-each-separate--offense~~ is guilty of a misdemeanor. However, this chapter ~~shall~~ may not be construed to apply to or affect plumbing or pipefitting as indicated in the 37-69-102 exceptions."

NEW SECTION. Section 8. Repealer, Section 37-69-321, MCA, is repealed.

NEW SECTION. Section 9. Codification instruction. Sections 5 and 6 are intended to be codified as an integral part of Title 37, chapter 69, part 3, and the provisions of Title 37, chapter 69, apply to sections 5 and 6."

CHAIRMAN--HALLIGAN, MIKE SECRETARY-DUVAL, CAROL
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0707	3/04	3/18	3/19 3/22 3/25	CONCUR AS AMENDED		3/20
JENKINS, LOREN			REVISE PLUMBING LAW EXCEPTIONS			
HB0721	2/22	3/27		CONCUR		3/27
COBB, JOHN			GENERALLY REVISE AND CLARIFY BUSINESS AND NONPROFIT CORPORATION LAWS			
HB0759	2/21				FINANCE & CLAIMS	
LORY, EARL C.			SPECIAL REVENUE ACCOUNT FOR OPERATIONS OF INSURANCE DIVISION - STATE AUDITOR			
HB0852	3/04	3/14		CONCUR		3/14
HARP, JOHN G.			EXCLUDE CERTAIN PERSONS FROM DEFINITION OF PUBLIC UTILITY			
HB0858	3/19	3/27	3/29	CONCUR		3/29
HARRINGTON, DAN W.			MUNICIPAL AND REGIONAL PORT AUTHORITIES			
HB0877	3/05	3/25		TABLED		3/25
PAVLOVICH, ROBERT J. (BOB)			REQUIRING APPROVAL OF FIRE ALARMS AND PROTECTION EQUIPMENT			
HB0880	3/05	3/25	3/28	TABLED		3/28
PAVLOVICH, ROBERT J. (BOB)			INSURING ALARM AND SUPPRESSION EQUIPMENT DEALERS			
HB0895	3/05	3/25	3/28	TABLED		3/28
PAVLOVICH, ROBERT J. (BOB)			BOARD OF FIRE ALARM, SECURITY ALARM, FIRE SUPPRESSION INSTALLERS EXAMINERS			
HB0901	3/05	3/25			TAXATION	
BROWN, DAVE			EXEMPTS CONTRACTORS WHO WORK ON FEDERAL FACILITIES FROM ADD'L LICENSE TAX			
HB0901	3/22	3/25		CONCUR	TAXATION	3/25
BROWN, DAVE			EXEMPTS CONTRACTORS WHO WORK ON FEDERAL FACILITIES FROM ADD'L LICENSE TAX			
HJ0013	3/06	3/26	3/28	TABLED		3/28
WINSLOW, CAL			RESOLUTION ASKING BN TO CUT COAL FREIGHT RATE TO CONFORM WITH TAX CUT			

Senator Gage wondered if this bill just deals with residential customers and Taffy Miller stated the way it is set up it is for all but industrial customers. Opal Winebrenner, Staff Attorney for the PSC, stated the reason they were excluded was because they feel industrial customers understand the bill procedures better. Senator Gage also wondered if a utility could get around this by just marking a bill "corrected" but Taffy Miller stated there are rules regarding this. Taffy Miller then distributed a copy of their position statement for House Bill 574. (EXHIBIT 3)

Senator Williams wondered how far back they went before on correcting backbilling and was told 8 years prior to this ruling. Senator Thayer asked Mike Zimmerman if the committee were to exclude telecommunications providers if this would alter his position. Mike Zimmerman of Montana Power stated it would not nor would it change Pacific Power & Light's position.

Senator Goodover asked Dennis Lopach just what he would like to see amended and he stated he would like to see a complete exclusion of providers of regulated telecommunications services. Senator Halligan asked Opal Winebrenner if the PSC just couldn't have broad enough authority to do this now but she stated they did not have the authority. She stated that the reason for the additional rulemaking authority in the Statement of Intent was because they realize that all billing is not done the same by every utility.

Senator Williams wondered what percentage of the problems were with telecommunications and PSC felt only a small percentage. Representative Thomas felt there was a need for the bill because we are dealing with a monopoly of regulated utilities and we need a good sound rule. Regarding an amendment he felt we should address something that will accomodate real problems but rejected the idea of a blanket exclusion of the telecommunications industry because he felt it would violate the intent of the bill. He then closed the hearing on House Bill 574.

CONSIDERATION OF HOUSE BILL 707: Representative Loren Jenkins, House District 13, Big Sandy, is the chief sponsor of this bill which the rural water users wanted him to introduce. He explained there had been meetings of negotiation between rural water users, plumbing unions, building contractors and the plumbing board. He explained they have had problems in small towns and rural areas where an inspector is not always available. The plumbers would like to be able to be licensed in more than one state and this was also included in the bill. There was also language in the measure dealing with discipline He noted these agreements had been worked out between all the parties involved.

PROPONENTS: Alvin Thomas, from the Board of Plumbing, stated they had found some inconsistencies in the rules and had worked out an agreement they could all agree to. He was in favor of the amendment that would be presented by the contractor's association.

Bill Olson, Secretary-Manager of the Montana Contractor's Association, distributed copies of the amendment being proposed. (EXHIBIT 4) He explained the amendment would return Section 7 back to the original form. It would establish a line 2 feet from the property line where the plumbers would have jurisdiction inside the building and the outside two feet and from there on the laborers could be used. There was also some discussion of the meter location. He explained with the technological advances in plumbing it lends itself to the laborers doing more of the outside work. He urged concurrence in the bill.

Stan Dugdale, of Dugdale Construction of Butte, stated they had worked out these amendments and felt the bill as orginally written was the way they would like to see it pass and urged concurrence.

Questions were then called for. Senator Gage wondered if discipline concerning work habits was included in other licensing areas and was told there were. Shirley Miller from the Professional Licensing Bureau stated a contested discipline was a situation when a person is being disciplined or his license has been revoked and then he goes before a hearing of the board for review.

Senator Goodover wondered if this bill would affect the private homeowner working on his own residence and was told he would be exempt in his own home. On a duplex however he might be required to hire a plumber. Senator Williams asked what a public water supply was considered and was told anything over 2 hookups was considered public. Rep. Jenkins felt you could do your own private watering systems on a ranch. Senator Kolstad wondered if you would have to come up to code and be inspected if you did your own work. Shirley Miller explained the inspection is a responsibility of the building codes division and she did not know if they did inspections of residences and farms. She would have an attorney present at executive session to answer questions. Representative Jenkins noted this bill actually expands the farm and ranch exemptions. Senator Williams wondered if this was going to create more FTE to do inspections and was told it would not. Representative Jenkins then closed the hearing on House Bill 707.

DISPOSITION OF SENATE BILL 391: Senator Halligan asked the committee if they wanted to act on this bill or HB 236 first. Senator Boylan felt his bill had been in committee long enough and should be put before the floor for discussion. Senator Kolstad asked Gary Bennett if this was a statewide poker machines bill and was told that it was. Senator Thayer thought one area that might give the bill a better chance would be to devise the split on revenue to give the maximum benefit back to the cities and towns. Senator Goodover wondered if there had been any thought given to an option of whether or not you wanted to be tied to the computer and then perhaps coming back in two years to see which was working better. John LaFaver was asked to explain the department of revenue's figures on the estimated revenues. (EXHIBIT 5) Senator Boylan felt the local governments should receive more of the revenues. Senator Fuller felt that the more that went into the general fund the better chance the bill had [illegible]. The committee then began going through the amendments

CONSIDERATION OF HOUSE BILL 460: Senator Gage felt that there is still some work that needs to be done on House Bill 460 and was going to make a motion this bill be brought back to the committee for further work on the amendments.

CONSIDERATION OF HOUSE BILL 707: There is some possible conflict with the amendments passed on this bill also and it may also be brought back to the committee for some discussion.

FURTHER CONSIDERATION OF HOUSE BILL 462: Senator Gage felt we did not address the possibility of selling products to the federal government and other agencies. Senator Fuller also felt we needed to have more discussion perhaps with the institutions people before this bill is voted on.

FURTHER CONSIDERATION OF HOUSE BILL 183: Senator Thayer felt the way the bill is written has some problems but that perhaps with some amendments it could possibly be more feasible. He did not see where the signs should be redone. Senator Christiaens felt the idea was good but mandating something of this nature is something he felt was just not necessary. Senator Neuman was confused by the testimony and just what the bill was going to do and it is designating a smoking area but making the building nonsmoking otherwise. This would make those who were creating the nuisance be the ones segregated. Amendments were distributed for consideration by the committee and it was decided to leave the bill as it is now in a TABLED situation. (EXHIBIT 7)

The meeting was adjourned at 11:30 a.m.

SENATOR MIKE HALLIGAN, CHAIRMAN

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BUSINESS & INDUSTRY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/22/8

SENATE SEAT #

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover			
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams			
Senator Weeding	X		

Each day attach to minutes.

Senator Williams asked Rep. Ellerd if he felt there would be a change in our habits if this bill were to pass and Rep. Ellerd felt it would not change our habits. Senator Weeding wondered about the enforcement problems and Rep. Ellerd stated you just need to practice common sense. He stated that laws in other states are working very well.

Rep. Ellerd then closed the hearing by thanking those present who testified for their patience. He noted he had contacted only the Montana Lung Association to send a representative and the others present who testified were strictly voluntary. He noted this legislation had been started by Polly Holmes several years ago. He personally believes that smoking is bad for a person's health and that is the reason he supports this measure.

DISPOSITION OF HOUSE BILL 602: Chairman Halligan noted there had been a question of putting in the word "regularly" engaged in selling art and after some discussion with others he felt this word should be removed. Senator Williams MADE A MOTION TO REMOVE THE WORD REGULARLY ON HOUSE BILL 602. The motion carried. (EXHIBIT 24)

Senator Christiaens then MOVED TO ADOPT HOUSE BILL 602 AS AMENDED. The motion carried.

CONSIDERATION OF HOUSE BILL 707: Mr. Geoffrey Brazier, Attorney for the licensing bureau was present for questions from the committee concerning this bill. Senator Gage was concerned about the term habit and intemperance in the bill and felt this was pretty broad language. Geoffrey Brazier stated this was historical language that is in other boards but he too felt it was broad and had caused some problems. Senator Gage then MOVED THAT THE LANGUAGE BE STRUCK REGARDING HABIT AND INTEMPERANCE. The motion carried.

Senator Thayer then MOVED TO ADOPT THE AMENDMENT PROPOSED REGARDING BOUNDARIES FOR PLUMBERS. There was some discussion of whether or not farm buildings were exempt. Geoffrey Brazier felt there was an effort to recognize that farm and ranch properties were exempt. There was still some question as to whether or not you would be included if you lived on the edge of a town but were hooked to city water and sewer. Chairman Halligan asked Senator Gage to talk more with Geoffrey Brazier and then get back to the committee before final disposition is made.

The meeting was adjourned at noon.

SEN. MIKE HALLIGAN, CHAIRMAN

cd

same position and be included under both licensing schemes. Mary McCue felt the only person not duplicated would be the person from the general public. Senator Christiaens felt more research should be done before final consideration is done. Mary noted the amendments had been prepared with the assistance of Ted Doney, Lobbyist for the Professional Counselors. Senator Fuller felt the committee should decide on a seven person board also.

DISPOSITION OF HOUSE BILL 877: Senator Fuller was concerned that expansion of this legislation would include all kinds of smoke alarm systems having to be processed and it would greatly increase the workload. Senator Boylan then MOVED THAT HOUSE BILL 877 NOT BE CONCURRED IN. Senator Christiaens then made a substitute motion THAT HOUSE BILL 877 BE TABLED. This motion carried with Senator Neuman voting "no".

FURTHER CONSIDERATION OF HOUSE BILL 707: This bill had passed out of the committee with an amendment concerning the boundary line being the outside two feet from a building. There was now discussion of making this the first connection outside of the building. Senator Goodover wondered where the shutoff valve is usually located and was told at the property line usually. It was felt this was a jurisdictional dispute between the plumbers and the laborers. It was decided to leave the bill in its present status and if amending needs to be done it can be done on the Senate floor.

The meeting was adjourned at 12:05 p.m.

SENATOR MIKE HALLIGAN, Chairman

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BUSINESS & INDUSTRY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3-25-

SENATE SEAT #

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

BUSINESS & INDUSTRY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/19/8

SENATE SEAT #

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

DATE MARCH 18, 1985

COMMITTEE ON BUSINESS & INDUSTRY

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
PHIL WICKSTROM	Public Service Comm.	HB 574	✓	
Sally Miller	Public Service Com	HB 574		
Jim Nelson	Commerce	HB 440	✓	
GENE PHILLIPS	PACIFIC POWER & LIGHT	HB 574	X	
Mike Pichette	MPC	HB 574	✓	
Steve Thomas	Bd of Plumbers	HB 707	✓	
[illegible]	[illegible]	[illegible]	✓	
Bill Olson	MT. Contractors Assn.	HB 707	As amended X	
Brian D. Waddle	MT Contractors Assn	HB 707	As amended X	
[illegible]	[illegible]	HB 446	✓	
[illegible]	Dept of Commerce	HB 214	X	
Mike Pichette	Mont Chiropractors Assn	HB 466	X	
[illegible]				

BUSINESS & INDUSTRY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/18/85

SENATE SENT #

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

PROPOSED AMENDMENT

HOUSE BILL 707 (3RD READING)

AMENDMENT

Sec. (7)(A) is amended to read:

(7)(A) ~~Plumbing~~ Except as provided in subsection (7)(B), "Plumbing System" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes, and building drains, including their respective joints and connections, devices, receptacles, and appurtenances, ~~within the property lines of any premises~~ up to 2 feet beyond ~~the building foundation line WITHIN THE PROPERTY LINES OF ANY PREMISES~~, ~~up to the meter location beyond the building foundation line or~~ up to 2 feet beyond the building foundation line, ~~whichever is further,~~ and includes potable water piping, water heaters, and vents for the ~~premises~~ building PREMISES building.

NOTE: This amendment returns section (7)(A) to the same form as introduced, ~~with the exception of the reference to meter location.~~ On multi story buildings, the 2 feet ~~would probably apply, and~~ would essentially be the property line.